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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY THE DIRECTOR-GENERAL OF HUMAN RIGHTS OF THE COUNCIL OF EUROPE

1. Mr. IMBERT (Director-General of Human Rights of the Council of Europe) said that the European Convention on Human Rights was celebrating its fiftieth anniversary in 2000. On that occasion, a European Ministerial Conference on Human Rights would be held in Rome on 3 and 4 November 2000.

2. The European Court of Human Rights, which was now a permanent body, had to deal with an unprecedented increase in the number of applications and that was a matter of concern in Strasbourg. In addition, the cases brought before the Court related to new and often complex problems with more marked political overtones than in the past. There were also beginning to be signs that the supervision of the execution of decisions handed down by the Court would henceforth require particular vigilance on the part of the Committee of Ministers responsible for such supervision.

3. The European Social Charter, as amended in 1996, was proof of Europe's commitment to economic and social rights. All Central and Eastern European States, except for the Russian Federation, had signed or ratified the Charter, something that the Parliamentary Assembly required as a condition for admission to the Council of Europe. The collective complaints procedure, which had been in force since 1998, helped to make the rights guaranteed by the Charter extremely effective. That new experience should be of interest to discussions in the United Nations on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. Despite those positive developments, serious and often structural violations of social rights, such as child labour, which were often the result of poverty, were still to be deplored, even in twenty-first-century Europe.

4. The Committee set up by the European Convention for the Prevention of Torture was the only international body that could make visits to places of detention in the member States of the Council of Europe. It had thus gone to the island prison of Imrali to see how Öcalan was being treated and had recently gone to places of detention in Chechnya. He hoped that a similar body would be set up under United Nations auspices.

5. By protecting national minorities, the Framework Convention for the Protection of National Minorities, which had entered into force in February 1998, was designed to promote stability, democratic security and peace on the European continent. It was the basic reference for activities under the Stability Pact for South-Eastern Europe.

6. The European Commission against Racism and Intolerance (ECRI), whose recommendations had an increasingly greater impact in the States to which they were addressed, was taking an active part in the preparations for the European Conference against Racism, which would be held in Strasbourg from 11 to 13 October 2000 as a prelude to the World Conference. The non-governmental organizations concerned were also taking part in the European preparations and a NGO forum would be held right before the European Conference. In that

connection, he said that new Protocol No. 12 to the European Convention on Human Rights should be adopted shortly and was designed to strengthen all legal means of combating racism and discrimination in Europe.

7. There had been a great deal of progress on the abolition of the death penalty, which was a very clear-cut objective of the European community. Only two countries, Albania and Turkey, had not yet signed Protocol No. 6 to the European Convention on Human Rights, which provided for the abolition of the death penalty in time of peace, and only six member States had not yet ratified it. Europeans knew from experience that the abolition of the death penalty was not an easy process and that it often required measures designed to make public opinion aware of it.

8. International human rights bodies such as the European Council and the United Nations Commission on Human Rights must attach particular importance to respect for freedom of expression and the free movement of ideas and opinions beyond borders. There could be no genuine democracy without freedom of expression and without the possibility for the media to conduct investigations into the activities of public authorities and to inform public opinion of human rights violations whenever they occurred.

9. It was shocking that the traffic in human beings, especially women, had become a very lucrative criminal business in Europe and elsewhere. A draft recommendation of the Committee of Ministers to the member States of the Council of Europe would probably be adopted in the coming months. There was already active cooperation in that field between the Council of Europe and the Office of the United Nations High Commissioner for Human Rights.

10. The situation in Kosovo hardly reflected - far from it - the values and principles of a multicultural and multi-ethnic society. In that connection, it must be asked why the strategies implemented so far had failed. Through its Pristina office, the Council of Europe was trying to promote respect for human rights and democratic principles in Kosovo. In South-East Europe as a whole, the Council of Europe was taking part in projects to promote national human rights institutions and the establishment of an ombudsman system. Several initiatives concerning interethnic relations and minorities had been adopted on 16 and 17 March 2000 at the Portoroz Conference.

11. The reports of large-scale human rights violations in Chechnya were truly shocking. The sufferings inflicted on the civilian population were intolerable. The Council of Europe Commissioner for Human Rights, Mr. Gil-Robles, had made proposals to the Russian authorities following his return from his trip to Chechnya. The Secretary-General of the Council of Europe had also requested explanations from the Russian Federation on how the provisions of the European Convention on Human Rights were being implemented in Chechnya. The questions and answers had been made public. Following the initiatives taken by Mr. Gil-Robles, discussions were now being held by the Council of Europe and the Russian authorities on how the Council of Europe might become involved in the work of Mr. Kalamanov, Special Representative of the President of the Russian Federation responsible for ensuring respect for human rights and fundamental freedoms in the Republic of Chechnya. In that context, the Council of Europe particularly welcomed the fact that Mrs. Robinson had been authorized to go to Chechnya soon. The Council of Europe awaited her report to the Commission with interest.

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

12. Mr. YASIN (Sudan) said that cooperation and constructive dialogue were the best ways of promoting the cause of human rights. Avoiding politicization and selectivity, increasing impartiality and transparency and adopting a balanced approach to civil and political rights and economic, social and cultural rights should be the guiding principles in that regard. Sudan attached great importance to the forthcoming World Conference against Racism, since racism was a problem that particularly affected Africa and Africans.

13. The human rights situation in the Sudan had changed considerably since the Commission's last session. The process of democratization had been accelerated. All political parties were entirely free to carry out their activities, in accordance with the new legislation, and all political prisoners had been released in December 1999. The National Security Act, which had been amended in July 1999, prohibited arbitrary arrest. Any detainee had the right to contact his family and a lawyer and to appeal to the District Attorney and to the judge. Reforms had been introduced to ensure that the legislation in force was fully in keeping with the provisions of the Constitution. Freedom of expression was guaranteed and exercised, as proved by the publication of some 17 privately owned daily newspapers.

14. In August 1999, the Sudan had begun exporting crude oil. In that connection, the Government's policy was to involve the local population in oil exploration and to enable it to take a major role in protecting drilling sites, on the understanding that oil revenue would be used for projects to rehabilitate the infrastructure and for the development of the country as a whole and, in particular, of southern Sudan.

15. Fully aware of the impact of war on all aspects of life, the Government was sparing no effort to bring about a just and lasting peace in the South. The Peace Agreement signed in 1997 with seven of the eight rebel factions provided, inter alia, for recognition of southern Sudan's right to self-determination. In order to speed up the peace efforts being made by the Intergovernmental Authority for Development, a permanent secretariat had been established with the assistance of the IGAD Partners Forum. Three rounds of peace talks had thus taken place since July 1999 between the Sudanese Government and the rebel movement. The Government was also highly committed to the Egyptian-Libyan Reconciliation Initiative, which was complementing the IGAD peace process. Both initiatives were designed to put an end to the decades-long armed conflict.

16. With regard to the humanitarian situation in southern Sudan, his Government had condemned the rebel SPLM/SPLA, which had issued an ultimatum to NGOs and other relief agencies on 12 January 2000. On 29 February 2000, 12 reputable international organizations had been expelled from the region by the rebels for no reason other than refusing to hand over control of aid deliveries. The absence of those 12 international organizations was having a crippling effect on Operation Lifeline Sudan and could only further exacerbate the already precarious humanitarian situation in the South. The international community had to exert pressure on the rebels to refrain from obstructing relief assistance to the population and to allow the 12 NGOs in question to return to the country.

17. A committee had been created to eradicate the abduction of women and children, as practised by the rebels in southern Sudan. In a short period of time, the Committee had been able to retrieve hundreds of women and children who had been abducted and to reintegrate them in their families. Sudan appreciated the material and financial support provided by the European Union, UNICEF, Canada and international NGOs, such as Save the Children (United Kingdom) and Save the Children (Sweden).

18. He was pleased to inform the Commission that his Government had just signed a technical cooperation agreement with the Office of the High Commissioner for Human Rights.

STATEMENT BY THE MINISTER OF HUMAN RIGHTS, INSTITUTIONAL REFORMS AND RELATIONS WITH THE NATIONAL ASSEMBLY OF BURUNDI

19. Mr. NINDORERA (Burundi) said that, after more than six years of armed conflict, civil wars, poverty and human rights violations, Burundi longed for the establishment of a lasting peace and a society which respected human rights. Those objectives were achievable, despite the problems Burundian society continued to face.

20. The peace process should lead to the signature of a peace agreement during the current year. The involvement of President Nelson Mandela as facilitator had given the Arusha negotiations fresh impetus. His moral authority could incite all parties to the conflict to abandon the logic of confrontation and enter into a logic of peace and compromise, especially on questions such as the genocide, the institutional and electoral system and security.

21. The question of the ceasefire had, however, not yet been specifically raised because the leaders of the armed groups had been absent from the negotiating table, despite the Government's insistent appeals and the efforts by the mediator, Nelson Mandela.

22. Another great problem was the nature of the FDD and FNL rebel forces, which mainly attacked innocent civilian populations, especially Tutsi targets, and which had, on 12 October 1999, murdered in cold blood the UNICEF representative and the WFP logistics officer, to whom his Government paid tribute.

23. In order to protect the civilian population against the murderous attacks of those terrorists, his Government had undertaken to regroup much of the population of the province of Bujumbura-rural at about 50 sites.

24. As impunity was the key to the conflict in Burundi, it would be pointless to think that an amnesty might help bring about a return to a lasting peace. Crimes as odious as genocide and crimes against humanity committed in Burundi should be tried by an international criminal court.

25. The deterioration of the population's socio-economic situation as a result of climatic and economic conditions and the lack of support by the international community created an unfavourable atmosphere for the peace process. In addition, the fact that Burundian armed groups, about whose presence in the Congo there was not the slightest doubt, had joined with the genocidal Rwandan forces meant that there was a genuine threat to Burundi's internal security.

26. Despite those problems, the Government was pursuing a dynamic human rights policy. The new Code of Criminal Procedure, which strengthened the rights of the defence, had entered into force on 1 January 2000; there were plans to establish a governmental human rights commission; elected human rights committees had been set up in all areas of the country; imprisoned minors had been separated from adult prisoners; reports on the implementation of the instruments ratified by Burundi had been submitted to the competent treaty bodies; the ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the African Charter on the Rights and Welfare of the Child and the Protocol relating to the establishment of an African human rights court were scheduled for April 2000; the Rome Statute of the International Criminal Court and the Convention on Anti-Personnel Mines were to be ratified by the end of the year; and a broad human rights education programme was being implemented at all levels.

27. Those advances, which were also the result of efforts by Burundian and international NGOs and by United Nations organizations, must not overshadow the fact that violence continued to be committed against the civilian population, ethnic rivalries to have negative consequences for daily private and professional life, crimes to be committed by some State officials, the judiciary to be full of irregularities and very slow, living conditions in some regrouping sites to be deplorable, vulnerable and delinquent children to exist in large numbers, conditions of detention in prisons to be precarious, some public freedoms to be restricted and Burundian society to be corrupt.

28. The Government and people of Burundi expressed their appreciation to States, international organizations and NGOs for their invaluable assistance to the population in distress and their contribution to the promotion of human rights in Burundi.

29. He nevertheless regretted the events in Muzye and their disastrous consequences, especially the decision by the United Nations to move on to phase IV of the United Nations security plan throughout the territory, including the many provinces where security was guaranteed. He could only wonder how the implementation of such a measure would affect the Office of the United Nations High Commissioner for Human Rights in Burundi, especially its monitoring mission, and the activities of the Special Rapporteur. Since their presence was justified primarily by insecurity and human rights violations, their current position seemed to contradict the nature and objectives of their mission. Paradoxically, the number of human rights observers went up when the number of human rights violations decreased and went down when the situation was considered to be more alarming. His Government was nevertheless confident of finding a satisfactory solution that would take account of the population's needs, the situation on the ground and the efforts it was making to keep the situation under control.

30. The international community could not exert pressure on the Government alone. It must also take strong action to get the armed groups to stop the violence and join the other parties in the Arusha negotiations. All Burundians, whatever their origin or political-ethnic sensitivities, had to work, with the support of the international community, to lay the foundations for a lasting peace and a society based on respect for human rights.

STATEMENT BY THE MINISTER OF JUSTICE OF THE REPUBLIC OF THE CONGO

31. Mr. MBEMBA (Republic of the Congo) recalled that the Monitoring Office of the Intergovernmental Agency of la Francophonie had met in Cairo in October 1999, when the Congolese delegation had submitted a communication entitled "Human rights in countries affected by armed conflict. The situation in the Republic of the Congo".

32. The main idea of that communication was that civil war was by definition an extreme negation of human rights. The civil wars in the Congo, which had begun in 1993, 1997 and 1998, were diametrically opposed to the principles embodied in the Geneva and Hague Conventions on the conduct of war.

33. The framework which had been in place since 15 October 1997 for the exercise of human rights was now fully operational. Visits to the Congo by foreign delegations could be made freely and safely, sometimes at the invitation of the Congolese Government.

34. Freedom of the press had never been as full: more than a dozen newspapers expressed themselves freely and did not hesitate to denounce the Government. That was part of democratic life, provided that it was done on the basis of respect for others and the truth and was not intended to cause harm. Journalists were thus not prosecuted and there was no press censorship.

35. Non-governmental organizations expressed themselves freely and took part in Government activities. That was also true of NGOs which were extensions of political parties or reflected the opinions of political exiles and which were often poorly, or partially informed, or simply biased. Those NGOs demanded to know what had happened to the persons who had disappeared during the 1998-1999 civil war. Investigations were being conducted, not only into those cases, but also into the complaints of the families of persons who had disappeared during the 1993 and 1997 civil wars.

36. Since October 1997, power had been exercised entirely legally and legitimately as a result of a mass movement which had resisted tyranny in full conformity with the Constitution then in force. Despite the difficult socio-economic situation, the Government had been trying to carry out key activities in the areas of security, justice, social peace and national reconciliation, the ultimate objective being a definitive return to the rule of law. The transitional Constitution condemned any form of violence in society, including any act designed to stir up hatred and division among the communities making up the Congolese nation.

37. In addition to the usual instruments, the Government had established three basic structures within the Ministry of Justice: the Department for the Protection and Promotion of Human and Peoples' Rights; the Department for the Legal Protection of Children; and the Information Service on Rights and Freedoms.

38. The Congo had ratified most international human rights instruments and had acceded to the Protocol Additional to the Geneva Conventions and the International Covenant on Civil and Political Rights. Eight International Labour Conventions had been ratified between 1998 and 1999. In order to strengthen the rule of law, the Government had sent 27 judicial officials to France for training. The training of judges, in particular, was one guarantee of their

independence. As far as infrastructure was concerned, the Government had adopted an ambitious programme for the reconstruction of buildings where police stations, jails and courts were located.

39. The Congo was far behind in the submission of initial and periodic reports on the implementation of human rights treaty instruments, but the process of the ratification of the Statute of the International Criminal Court and the Convention against Torture was well under way.

40. Two agreements on the cessation of hostilities had been signed on 15 November and 29 December 1999 and that was a big step forward towards the re-establishment of the rule of law. The agreements recognized the need for an amnesty act on offences deriving directly from civil wars, on the understanding, however, that such an act would protect the right of victims to appeal to a civil court for compensation for loss or injury. There was thus no impunity, but there was a determination to achieve the objective of re-establishing peace based on national reconciliation.

41. Now that there was hope of national reconciliation that would promote social peace and the country's balance, the international community had to come to the Congo's assistance, which would be decisive for the rebirth of the rule of law. That had been one of the main conclusions of the Seminar-Workshop held in Brazzaville in March 1999 on the key topic of "justice as a factor of social peace and the strengthening of the rule of law in the post-conflict period".

STATEMENT BY THE MINISTER OF JUSTICE OF RWANDA

42. Mr. MUCYO (Rwanda) said that, six years after the genocide, there had been countless human rights achievements in his country, as had been confirmed by the Special Representative, Mr. Michel Moussali, in his report to the Commission (E/CN.4/2000/41).

43. In November 1999, Rwanda had hosted the twenty-sixth session of the African Commission on Human and Peoples' Rights. The session had enabled the international community to evaluate the progress Rwanda had made on human rights and the restoration of the rule of law and democratic principles.

44. Peace and security prevailed throughout the national territory. The Government was working to promote national reconciliation, despite the political and economic problems the country now faced following the genocide. The Government considered that all the parties concerned must abide by the peace agreement signed in Lusaka in order to arrive at a lasting peace in the region. In that connection, the Interahamwe who were continuing the armed struggle were still regarded as a threat.

45. All Rwandan citizens were entitled to return to their country and the refugees who had so wanted had been repatriated. The refugees' return had aggravated the problem of housing and the lack of cultivatable land. It was therefore quite legitimate to regroup the population in villages (imidugudu), thus facilitating access to basic infrastructures.

46. One of the consequences of the 1994 massacres and genocide had been the nearly total destruction of the Rwandan judiciary. Although the re-establishment of the legal system had yielded encouraging results, the system was still not up to the enormous amount of work to be done. Some 120,000 persons were awaiting trial and, at the present rate, it would take over 100 years to try all persons allegedly responsible for the genocide. In order to solve that problem, the Government had considered the possibility of participatory justice (gacaca). Events could then be re-enacted, trials speeded up, the culture of impunity eradicated, Rwandans reconciled and national unity strengthened.

47. The Rwandan genocide had been committed in full view of the entire world. The international community was thus partly responsible, and that was why his Government hoped for systematic and concerted action - a kind of mini Marshall Plan - for Rwanda's reconstruction.

48. The first free and transparent elections had taken place in 1999. They had been monitored by foreign observers. Laws voted by the parliament had entered into force. A national human rights commission had been established and had begun its activities. Its objective was to conduct investigations into the human rights violations committed in Rwandan territory, particularly by State bodies. A commission to draft a new constitution would begin its activities soon. Rwandan institutions thus operated transparently and democracy was gradually being built.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 139 and 141-142; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124, 129 and 130-137; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

49. Mr. RAZOOQI (Observer for Kuwait) said that he welcomed the appointment of Mr. Mavrommatis as Special Rapporteur on the situation of human rights in Iraq. As the preliminary report showed (E/CN.4/2000/37), Mr. Mavrommatis planned an intensive programme of activities in order to carry out an in-depth assessment of the situation of human rights in Iraq. The delegation of Kuwait looked forward with interest to the submission of his interim report to the General Assembly and his future reports to the Commission on Human Rights.

50. Referring to the report submitted by the former Special Rapporteur, Mr. van der Stoel (A/54/466), which covered the period from February to October 1999, he said that what was happening in Iraq was truly tragic and that the situation of human rights in that country was absolutely deplorable. During discussions he had held recently with the new Special Rapporteur, he had raised the question of Kuwaiti and third country nationals who were still detained in Iraq and who numbered more than 600. It was alarming to think that, nearly 10 years after the Iraqi occupation of Kuwait, they still had not been repatriated. The International Committee of the Red Cross had expressed its commitment to providing information to the families of prisoners unaccounted for. However, Iraq obstinately refused to cooperate with ICRC and to indicate where those prisoners were being held. That was all absolutely contrary to Security Council resolutions 686 and 687. Kuwait welcomed the appointment by the Secretary-General of

Mr. Yuliy Vorontsov as the high level Coordinator to follow up the release of Kuwaiti and third country prisoners of war. His delegation appealed to the international community to require that all those prisoners of war should be released.

51. Mr. SKOGMO (Norway) said that, since no country had a perfect human rights record, Norway had decided to prepare a plan of action for human rights, which was available to the members of the Commission. That text contained a thorough assessment of human rights challenges in Norway and proposed measures to deal with them.

52. The most serious violations of human rights took place in countries marked by violent conflict or outright war. In some areas, such as the Horn of Africa, the conflicts had been going on for so long that an entire generation had grown up without any freedom from either fear or want. In Chechnya, the conflict which had recently broken out had had devastating consequences for the living conditions of entire populations and, in that connection, Norway looked forward to the report which Mrs. Robinson would submit to the Commission after her visit to that region.

53. In Asia, human rights violations were particularly serious in Afghanistan, where torture and extrajudicial executions were systematic; in Iraq, whose population was deprived of its fundamental freedoms; and in Myanmar, where there were no signs of dialogue with the democratically elected representatives of the people.

54. In Africa, the Great Lakes region continued to be an area of conflict and widespread violations which forced thousands of persons to flee. That was particularly true in Burundi and the Democratic Republic of the Congo. In Angola, the situation of internally displaced persons was a matter of great concern.

55. In Latin America, Norway was particularly concerned about attacks by paramilitary and guerrilla groups against civil society.

56. In southern Europe, ethnic violence in Kosovo was most disturbing. UNMIK and KFOR had to act firmly, in accordance with Security Council resolution 1244. The persons responsible for such violence had to be arrested and punished. There was also disturbing information that the media in Serbia were increasingly being harassed. Norway urged the Federal Republic of Yugoslavia to comply fully with international standards relating to freedom of information.

57. Norway had entered into a human rights dialogue with China. Despite the Chinese people's improved living conditions, there was still insufficient transparency in the way the country was governed, the practice of religion was restricted and the right to peaceful assembly and freedom of association and speech hardly existed. The human rights situation in Tibet was still a matter of great concern and, in that connection, his delegation appealed to the Government of China to respect the ethnic, cultural and religious identity of Tibetans.

58. The measures adopted by the new Indonesian Government were encouraging and its determination to bring to justice those who had been responsible for the atrocities committed in East Timor and Aceh was to be commended.

59. In a number of countries, the human rights situation seemed to have improved since the Commission's fifty-fifth session. That was true of Sierra Leone, where the signing of the Lomé Peace Agreement in 1999 had ended a particularly bloody civil war and brought hope of an end to outrageous human rights abuses. His Government appealed to all the parties concerned to facilitate the deployment of UNAMSIL. In the Sudan, the Government had recently introduced amendments to the Constitution which might improve the situation. The election of a democratic Government in Cambodia in 1998 seemed to have paved the way for development and progress in an atmosphere of peace. His Government urged the Government of Cambodia to strengthen the rule of law and work with the international community to bring about reconciliation based on international standards of justice, fairness and due process of law. In Iran, the newly elected parliament would be inaugurated in a few weeks. In general, the results of those elections were regarded as reflecting the political will of the people in a reasonably fair way. That boded well for the Government's ability to achieve its officially stated objectives of establishing a Government based on the rule of law with respect for human rights for all. Lastly, Norway was pleased to note the determination by the newly elected Government of Croatia to improve the situation of minorities and protect their rights.

60. Mr. LEGWAILA (Botswana) said that mankind had to bear the heavy burden of the last century and that, for many peoples, such as those of Angola, Sierre Leone, the Democratic Republic of the Congo, Burundi, Afghanistan, Kosovo and Palestine, the new millennium had brought neither hope nor relief. When shown on television every day, raw cruelty became a normal feature. In 1999, for example, the members of the Commission had got used to watching pictures of the exodus of Kosovars after having delivered righteous speeches on human rights all day long.

61. In Sierra Leone, the persons who had chopped off the arms and legs of civilians, especially women and children, were enjoying their freedom, unscathed and unrepentant, despite the atrocity of the crimes they had committed. What possible meaning could human rights have for the victims of war who witnessed massacres of innocent persons? Even in democratic countries, human rights were violated for various reasons ranging from xenophobia to racial bigotry.

62. Botswana, the oldest democracy in Africa, had always contended that there was a far better chance of protecting and respecting human rights in a democracy. Without respect for the fundamental rights and inalienable liberties of the human person, there could be no development and no economic and social progress.

63. In view of the deteriorating human rights situation in the world, the Commission must ask countries whose population was being deprived of its fundamental rights to get their act together and must urge those which tried to derive some political or geopolitical benefit from the miseries of their neighbours to desist. Each country must help its neighbours find peace instead of complicating their situation. If the Commission genuinely wished to promote respect for human rights, the intimate companion of its criticism must be constructive suggestions and proposals on how States might be helped. As the representative of India had said, "... if the objective is to promote and protect human rights, merely spotlighting human rights abuses would

not suffice. Better results could be achieved by encouraging self-criticism and inducing positive change through technical cooperation and national capacity-building to safeguard democracy and the rule of law".

64. Mr. HARAGUCHI (Japan) said that the rapid change in Indonesia in the past year had been remarkable and encouraging. The National Commission of Inquiry had basically carried out its task in accordance with the idea that the Commission on Human Rights had had in mind. He also emphasized the importance of the stabilization and strengthening of human rights in East Timor.

65. China had come a long way in the past 50 years, but the Chinese Government should be encouraged further to enhance civil and political rights and, in particular, to ratify and implement the two international covenants in the near future.

66. Japan shared the concerns of the international community about the human rights situation in Myanmar. However, there were some signs that the Government of that country was now trying to reach out its hand to the international community. It might be unwise to dismiss those signs if the human rights situation in that country was to be improved. With regard to forced labour, the Government of Myanmar wanted to strengthen its dialogue with the ILO and it should be encouraged to pursue that course.

67. Even if the situation in Iran was still a matter of some concern, the results of the recent elections were a reflection of the will of the people and a cause for optimism.

68. The deterioration of living conditions in Iraq was very distressing. The Government of Iraq should not waste its chances to alleviate the plight of its people by accusing the international community of being to blame. It was to be hoped that a remedy would be found for the situation of the Iraqi people. To that end, Iraq should comply with the relevant United Nations resolutions.

69. Japan was concerned about the human rights situation in Afghanistan and about women's rights, in particular, and wished to contribute to its improvement. In early March, it had therefore invited the parties concerned to Tokyo in order to inform them of its concerns and interests. The Taliban authorities had stated that they had made efforts to improve the human rights situation, but that they had been frustrated by the slow response of the international community. In order to encourage the Taliban to adopt other constructive measures, the international community should take note with satisfaction of the efforts they were making.

70. Japan continued to be concerned about the human rights situation in Cuba, especially as far as freedom of expression was concerned. It hoped that the bilateral talks between Japan and Cuba would be deepened and that the Cuban Government would cooperate actively and constructively with the Commission.

71. In Africa, major efforts had to be made to guarantee respect for human dignity. In that regard, the work being done by UNHCR in Sierra Leone was highly commendable.

72. As to Kosovo, Japan was convinced that the international community would support the local population, which was keen to build a democratic society in which all ethnic groups could live in peace and security.

73. In Chechnya, Japan trusted that the new Russian administration would deal with the situation in a way which would set a good example for the international community.

74. Japan continued to be concerned about the situation in Cyprus, but hoped that negotiations between the two sides would make progress under the Secretary-General's good offices.

75. The talks recently held in Geneva on the Middle East peace process had ended in disappointment. Japan drew attention to such issues because it was convinced that security matters did not involve only the politico-military aspects of relations between States. They also had considerable bearing on the security of private individuals.

76. Globalization had brought with it conflicts, transnational organized crime and a lack of good governance. Japan was working to enhance the security of persons and to protect them against such destructive adverse effects.

77. The Japanese Official Development Assistance Charter stated that full attention should be paid to efforts to promote democracy and to the situation of human rights and freedoms in recipient countries. While Japan was not in favour of strict conditionality, it did think that it must react when actions in recipient countries were manifestly contrary to that Charter.

78. Japan was trying to help recipient countries improve good governance. That might be a long-term undertaking in some cases, but patience could ensure its success.

79. Dialogue was the key to mutual understanding and reconciliation, particularly in respect of human rights. Japan was convinced that it was better to encourage a country to move forward, if that country had shown the will to improve the situation, rather than to criticize and isolate it. The Asian Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, which had just held its eighth session in Beijing, was a good example of the results that could be achieved through dialogue.

80. Mr. QIAO ZONGHUAI (China), denying the allegations of certain western countries about the alleged deterioration of the human rights situation in China during the past year, said that his Government had continued to focus its efforts on economic development and to bolster civil and political rights.

81. Human rights legislation had been strengthened to afford citizens better protection. Transparency policies had been adopted in respect of the judiciary, the police and the prison system. Firm action had been taken against corruption. In rural areas, peasants could now directly elect their village communities. The Government was promoting freedom of expression and assembly, freedom of the press and freedom of opinion, especially in the media and in publishing. The number of associations had increased greatly and the use of the Internet had increased tenfold in the past two years.

82. The human rights situation had thus not deteriorated, but had been improving. However, the United States continued to give a distorted image of the situation in China and in other developing countries. It had set itself up as the policeman of the world and was trying to impose the American democratic model everywhere, at the expense of other countries' value systems. It also practised a double standard by trying to impose on others what it did not like for itself. For example, it had not hesitated to use the direst methods to carry out its assault on the Davidian headquarters, but accused the Chinese authorities of opposing religious freedom when they tried to deal with the evil Falun Gong cult.

83. Human rights were also highly politicized. Since 2000 was an election year in the United States, the United States delegation had submitted a biased draft resolution solely in order to win the votes of that part of public opinion which was hostile to China. By acting on that draft resolution, the Commission would only tarnish the image of the cause of human rights and harm its own credibility.

84. Like all other countries, China could not boast of an impeccable human rights record, but it was open to constructive criticism and willing to enhance dialogue with its partners on an equal footing and in a spirit of mutual respect. It categorically rejected outside pressure and bullying tactics. It would not be intimidated by the authoritarian attitude of the United States, which was seeking confrontation, not dialogue.

85. Mr. AKRAM (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), except Morocco, said that, at the preceding meeting, the Secretary-General of OIC had given a detailed analysis of the importance of human rights in Islam.

86. The members of OIC were concerned about violations of the rights of Islamic peoples, especially Palestinians and other Arabs living under Israeli occupation. They called on Israel to cease the harassment against those peoples and hoped that Israel would rapidly withdraw from southern Lebanon in accordance with its promises and that an early agreement could be reached with Syria on the Golan Heights. In order to guarantee peace and national reconciliation in Afghanistan, OIC had set up a committee which was working in cooperation with the United Nations on the implementation of a concerted plan of action. OIC was firmly committed to the reintegration of Bosnia and Herzegovina as a sovereign and multi-ethnic State and had therefore set up a group for humanitarian, economic, cultural and legal assistance. The Commission must maintain its comprehensive view of the human rights situation in the Balkans and its annual omnibus resolution must therefore continue to include the usual list of countries.

87. OIC continued to be concerned about the situation in Jammu and Kashmir. It recalled the importance of its good offices as a means of removing tensions between India and Pakistan. It was deeply concerned about the recent events in Kosovo which had led to expulsions of Kosovars in the northern and eastern parts of the region. It called for a just settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the territorial integrity of States and the inviolability of internationally recognized borders in order to determine the fate of 1 million Azeri displaced persons and refugees. It was also concerned about the isolation that had been imposed on the Turkish Cypriot people.

88. The Islamic world was increasingly concerned about the hostilities in Chechnya and the ensuing humanitarian catastrophe. It wanted a political solution in Chechnya which would not only ensure respect for the sovereignty and territorial integrity of the Russian Federation, but also provide for concrete steps on behalf of the Chechen people, including the cessation of the hostilities, the release of prisoners and hostages, the return of refugees and displaced persons, the implementation of a general amnesty, the start of a dialogue with Chechen representatives, the separation of powers between local and federal authorities in keeping with the 1996 Agreement, the guarantee of freedom of religion and economic recovery. Several OIC countries were already providing humanitarian assistance to the civilian population.

89. The Islamic world now had the largest number of refugees and that placed an enormous burden on host countries as levels of international assistance continued to decline. He appealed to the spirit of solidarity of the international community to continue to provide refugee assistance.

90. OIC was deeply concerned about the selectivity of certain countries in the Commission, especially when they made unfounded allegations against many OIC member States. In that connection, he recalled the OIC statement on agenda item 3 relating to the organization of work of the session. He objected to the disinformation campaign mounted against some members of OIC, particularly with regard to slavery and the implementation of shariah laws. OIC was also deeply concerned about systematic slander against Islam and, in particular, about attempts to equate Islam with terrorism. OIC condemned all forms of terrorism, but reaffirmed that the national liberation struggle against foreign domination or occupation was not an act of terrorism. The members of OIC acted in conformity with the provisions of the Code of Conduct for Combating International Terrorism and were in favour of the convening under United Nations auspices of an international conference to define terrorism and distinguish it from national liberation struggles.

91. OIC was concerned about the plight of Muslim minorities in several States, where they were persecuted because of their religious beliefs. In that context, there were disturbing trends in Europe, as shown in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Acts of violence against migrant workers, which were sometimes carried out by police officers, were aggravated by legislation and rules which discriminated against foreigners and ethnic minorities.

92. Racism and xenophobia continued to spread in western countries, especially at the instigation of far-right political parties. It was time for the European Union to look into that problem and explain it in the Commission instead of pontificating and pronouncing solemnly on situations about which it knew very little.

93. The Organization of the Islamic Conference wanted to take part in a constructive dialogue during the fifty-sixth session of the Commission on Human Rights. It did not favour proposals and initiatives which were designed to serve the political interests of certain countries or groups of countries and which would serve only to stir up controversy that was not at all conducive to the protection of human rights.

94. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she would report on recent developments in two regions of particular concern to the Commission, namely, Kosovo and East Timor.

95. At its preceding session, the Commission had requested her to report urgently on the situation of human rights and the humanitarian crisis relating to Kosovo. The Commission now had before it three reports, which had been issued as documents E/CN.4/2000/7, E/CN.4/2000/10 and E/CN.4/2000/32. The latter report, which was the most recent, was the one she would refer to in detail.

96. Four areas were of crucial importance in Kosovo: security concerns, including the protection of the rights of minorities; the rights of prisoners, detainees and missing persons; the establishment of the rule of law; and the promotion of a human rights culture.

97. While the vast majority of the refugees and displaced persons who had left the region in 1999 had returned, many others, mainly members of minority communities, had since fled from Kosovo. According to the Yugoslav Red Cross, some 235,000 Serbs and Roma from Kosovo were now in Serbia and Montenegro. During the last few months of 1999, grave violations of human rights had occurred on a disturbing scale; such violations were still going on. Dozens of killings had been reported in recent months. Events in Mitrovica, in which both Serbs and Albanians had died, had highlighted the continuing fragility of inter-ethnic coexistence. In addition to acts of violence, there were also other worries, including severe restrictions on freedom of movement and various forms of discrimination.

98. Some 1,500 persons, mainly Kosovo Albanians, were being held in Serbian jails and the whereabouts of nearly 3,000 others were unknown. Her Office had made the protection of the rights of prisoners and detainees in the Federal Republic of Yugoslavia one of its priorities for the year 2000. On the basis of information provided by the Commission on Prisoners and Detainees in Pristina, her Office was defending the rights of detainees, prisoners and their families. It visited places of detention in Serbia and Montenegro and monitored trials. In Serbian places of detention, ill-treatment, overcrowding and poor health conditions were apparently quite common. Neither her Office nor ICRC had so far been able to obtain access to the places of detention of persons kidnapped in Kosovo territory by non-State actors. She was convinced that a rapid and even-handed solution of the problem of prisoners and missing persons would be a vital factor in the peace-building process.

99. Despite the difficulties encountered, progress could be made towards peaceful coexistence in Kosovo if the rule of law was rapidly re-established and a culture of human rights began to develop. In that respect, she commended the work which had been carried out under difficult circumstances by the United Nations Mission in Kosovo (UNMIK), OSCE, the Office of the United Nations High Commissioner for Refugees and other intergovernmental and non-governmental organizations.

100. The international community must, however, still take more resolute steps in Kosovo. More police officers should be made available to UNMIK, which was trying to fill several hundred judge and prosecutor positions in order to redress ethnic imbalance in the judiciary, but

had been hampered by security concerns. There had nevertheless been some positive developments, including the drafting of a regulation on the establishment of an ombudsman institution.

101. With regard to the promotion of a human rights culture, she noted that the Kosovo Human Rights Conference had been held in Pristina in December 1999 and that her Office had been represented by the Deputy High Commissioner. Though it had been symbolic, that event had offered hope because it had brought together persons belonging to different ethnic groups and had given them an opportunity to express their views in a free and democratic context. A declaration had been adopted calling for tolerance and the promotion of a human rights-oriented society.

102. She stressed the fact that, although the role of the international community in Kosovo was important, that of local and national leaders was even more so. They must bring their influence to bear to stop the cycle of violence and discrimination which hindered the rebuilding and renewal process.

103. With regard to the situation in East Timor, the Commission had before it the joint report by the Special Rapporteurs following their visit to East Timor, the report of the International Commission of Inquiry, the observations by the Government of Indonesia on that report and the views of the members of the Security Council on the report of the Commission of Inquiry.

104. The challenge of the situation in East Timor gave the international community the possibility of taking a long-term view and helping to build democracy in Indonesia and East Timor. Indonesia's decision to give the people of East Timor the opportunity to pronounce themselves democratically on their future had been most welcome. Unfortunately, however, that policy had not been to the liking of everyone in Indonesia and the people of East Timor had paid for such disagreement with great suffering. A serious problem of continuing concern was that of the fate and living conditions of thousands of East Timorese who had been forced to leave their country or had fled to West Timor and were unable to return. The Commission would receive the report of the Representative of the Secretary-General on internally displaced persons on his visit to East Timor.

105. The Indonesian Government had accepted its responsibilities for the events in East Timor, as shown by the courageous report of the Indonesian National Human Rights Commission and the clear-cut commitment by the Indonesian authorities to prosecute the persons responsible. At the request of the Secretary-General, her Office would mobilize assistance for that purpose.

106. It was essential that the East Timorese themselves should know that they were being heard and listened to and that those responsible for human rights violations would be identified and punished. The United Nations Transitional Administration in East Timor (UNTAET) had concluded an agreement with the Indonesian Government relating to investigations, the sharing of evidence and eventual extradition. Her Office was working closely with UNTAET on issues related to reconciliation. In presenting the report of the International Commission of Inquiry, the Secretary-General, Mr. Kofi Annan, had stressed the responsibility of the United Nations and the international community for the reconciliation process in East Timor. The international

dimension would help ensure the credibility of the procedure in the eyes of the people of East Timor. That was a heavy responsibility for the Commission, but one which would, if faced successfully, help ensure stability and reconciliation for the peoples of the two countries concerned.

107. Mr. O'FLAHERTY (Office of the United Nations High Commissioner for Human Rights), speaking on behalf of Mr. Lallah, Special Rapporteur, introduced the report on the situation of human rights in Myanmar (E/CN.4/2000/38). Since his appointment in 1996, the Special Rapporteur had still not been authorized by the Government of Myanmar to visit the country.

108. The preceding reports on the situation in Myanmar had focused on civil and political rights, for the denial of the exercise of political rights was the root cause of the violation of all other fundamental rights. The Government and administration of Myanmar continued to monopolize all powers without any answerability to the people and without the will of the people. They exercised power with the help of highly repressive and exceptional laws. The military structure within which the judiciary functioned prevented it from operating in a fair and independent manner and from protecting citizens from violations committed by the administration and the army. It was no wonder that the number of political prisoners and human rights activists still languishing in jail under disproportionately long sentences remained very high.

109. The Government of Myanmar continued to refuse to engage in a genuine dialogue with the National League for Democracy (NLD) and the representatives of the ethnic minorities. Such a dialogue would clearly help to resolve the political stalemate arising from the refusal of the regime to respect the will of the people, as expressed in the general elections held a decade previously.

110. The Special Rapporteur's past reports had dealt with economic, social and cultural rights mainly in the context of forced labour, the closure of universities and the plight of persons relocated by force or living in very difficult conditions in the jungle or in neighbouring countries. The present report showed that economic and social and, to some extent, cultural rights were being extensively violated, since the people had no say of any kind.

111. Throughout the country, food scarcity, high levels of malnutrition and infant and maternal mortality seriously affected the population and that was all the more tragic in a country which was so naturally well endowed. In that connection, assistance by the United Nations system must be coordinated and made available to those most in need. It was also desirable that non-governmental efforts should be harnessed in order to prevent a humanitarian tragedy. The spread of HIV/AIDS was still a matter of serious concern, particularly since young soldiers were away from home for long periods of time.

112. In conclusion, the Special Rapporteur considered that the human rights situation in Myanmar had not developed in a positive way since he had submitted his last report to the Commission. The recommendations he had made then were still valid.

113. Mr. MYA THAN (Observer for Myanmar) said he regretted the fact that, apart from the reference to the resumption of cooperation between the Government of Myanmar and the International Committee of the Red Cross, the report on the human rights situation in Myanmar (E/CN.4/2000/38) was, once again, a litany of false statements based on allegations by anti-Government elements and insurgents and that false conclusions could be drawn from it.

114. The Special Rapporteur had said that there were hunger and food scarcity in Karen, Karenni and Shan states and in the Delta region. It was, however, well known that, far from having a shortage of food, Myanmar was a traditional rice exporter. In fact, the countries of South-East Asia looked on Myanmar as a major source of food security in the region. The Special Rapporteur had also said that "abject poverty" prevailed in the country. According to statistics published by the International Monetary Fund, Myanmar had recorded a regular increase in its gross domestic product in 1996, 1997 and 1998 and those figures gave the lie to the Special Rapporteur's conclusion on the economic situation in Myanmar.

115. The Special Rapporteur painted an entirely negative picture of the implementation by Myanmar of the ILO Forced Labour Convention (No. 29). There was no forced labour in Myanmar. That practice was neither allowed nor condoned. The Ministry of Home Affairs had suspended the relevant provisions of the Village Act and the Towns Act of 1907 in order to bring the legislation into line with Convention No. 29. The Myanmar authorities had also taken other implementation measures to prevent the practice of forced labour. The Special Rapporteur had failed to mention the positive gesture by the Government of Myanmar in the form of an invitation to the Director-General of the ILO to send a technical team to Myanmar to discuss matters of mutual interest, as mentioned in the resolution on Myanmar adopted by the Third Committee at the fifty-fourth session of the General Assembly.

116. Contrary to what the Special Rapporteur had stated with regard to restrictions on freedom of movement, meetings and demonstrations did take place in Myanmar during which citizens expressed their disillusionment with the National League for Democracy.

117. The Special Rapporteur also alleged that citizens were ill-treated on religious grounds. As far as religious tolerance was concerned, however, Myanmar had been praised by foreigners, including the independent expert of the Commission, Mrs. Ogata, during her visit to Myanmar in 1990. Foreigners who visited the country could see for themselves what the situation was like because religious tolerance was not only real, but visible. Four religious buildings representing the four major religions of the world faced one another right in the centre of the capital, Yangon.

118. As to alleged violence against women, he said that Myanmar was one of the countries of the world where the status of women was the best. In some sectors, such as teaching, women outnumbered men. The Special Rapporteur also stated that universities in Myanmar were still closed, but, in fact, they were open and students were pursuing their studies peacefully.

119. In his report, the Special Rapporteur said nothing of the positive achievements of the Government of Myanmar. Any report on the human rights situation in a country must be objective and balanced, but a lack of balance had been the major flaw of the Special Rapporteur's reports on Myanmar. The only positive aspect referred to by the Special Rapporteur had been the above-mentioned cooperation between the Government of Myanmar

and ICRC, but that had been mentioned briefly, and grudgingly, in the conclusion and not in the main body of the report. The Special Rapporteur had not mentioned the achievements made by the State Peace and Development Council since it had come to power in 1988, such as the prevalence of peace and tranquillity throughout the country; the progress being made by the National Convention to formulate basic principles for the adoption of a new constitution, a number of draft texts of which had already been prepared; the consolidation of national unity after 17 armed groups and many smaller groups had returned to the legal fold; and infrastructure-building on an unprecedented scale throughout the country (roads, schools, bridges, etc.).

120. As a result of those concrete achievements, the Government was fulfilling the basic needs of the people in all areas and improving its well-being. In so doing, it was guaranteeing the people's right to development and advancing the enjoyment of its other fundamental rights.

121. The protection and promotion of human rights were a noble goal. However, countries differed. They had different levels of political and economic development and different geopolitical, historical, social and cultural characteristics. It was therefore logical and indeed necessary for each country to take those factors into account as it saw fit. The Government and the people of Myanmar had chosen to do so by building a modern and peaceful democratic State.

The meeting rose at 6 p.m.